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THE COMMONWEALTH OF MASSACHUSETTS
Board of Building Regulations and Standards
Home Improvement Contractor Registration Program
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"DBA" Information for Applicants

EXPLANATION OF THE REQUIREMENT FOR BUSINESS REGISTRATION UNDER MGL C. 110, ART. 5&6 – ALSO KNOW AS THE FICTITIOUS NAME LAW OR THE DBA LAW.

Any business which does not have the name (either complete name or at least the last name) of the owner (or one of the partners of a partnership) in the name of the company, must register as a business in the city or town in which the business is based. A copy of this registration with the city or town must accompany your application for registration as a Home Improvement Contractor.

Many small businesses are not aware of this law, and communities vary in the interpretation of the law. For the purposes of the Home Improvement Contractor Registration, following are examples of when we will and will not require a copy of the company registration certificate.

Following are some examples of when you do and do not need a registration certificate:

Example 1.

Your name is Joe Smith, you own the company as an individual, and you do business as Smith Remodeling or Joe Smith Remodeling **YOU DO NOT NEED A CERTIFICATE TO REGISTER.**

Your name is Joe Smith and your doing business as J.S. Remodeling **YOU DO HAVE TO INCLUDE** a copy of your city or town registration Certificate.

Example 2.

Joe Smith and Joe Brown are partners with a partnership agreement and their company name is Brown Remodeling, or Smith Remodeling, or Brown & Smith Remodeling. You would **NOT** have to have a copy of your city or town registration to register as a Home Improvement Contractor.

If your partnership did business as S&B Remodeling, you **DO** need a certificate.

Also, corporations which do business under some other name than the one in which their corporation is registered with the state must also file for a registration certificate.

For out-of-state companies, most states have a similar law, and chapter 142A is interpreted to mean that such out of the state companies must also include a copy of their state or community registration certificate if applicable. Sometimes it is called "trade-name" registration.

Most Massachusetts communities have zoning bylaws which do not permit a business to be registered in a residentially-zoned district and may not consider a small contacting business as eligible to be considered a home or "cottage" business. This situation may prevent you from registering if you are operating from your home. Check with your city or town clerk or your attorney for your options.